



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

September 20, 2019

Re: 2019-09-127

Mr. Sai
MuckRock.com
MuckRock News – DDEPT MR 78495
411A Highland Ave.
Somerville, MA 02144-2516

Email: 80662-73548934@requests.muckrock.com

Dear Mr. Sai:

This is Department of the Treasury's acknowledgement and final response to your letter addressed as a Freedom of Information Act (FOIA) request dated September 20, 2019, in which you state, this is an explicit evidence preservation demand, and the documents sought relate to ongoing and/or currently contemplated litigation.

Your letter indicates a misunderstanding of the FOIA. The FOIA requires Federal agencies to search for and determine the releasability of specific records, which are held by that agency. The FOIA does not require agencies to answer questions or interrogatories, analyze and/or interpret documents for a requester; to create records or to use the FOIA as an “enforcement mechanism” to compel agencies to perform their missions.

I have determined that a search of the U.S. Department of the Treasury's records would not uncover any record which would be responsive to your request.

Since Treasury's response constitutes an adverse action, you have the right to appeal this determination within 90 days from the date of this letter. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision. Your appeal must be in writing, signed by you or your representative, and should contain the rationale for your appeal. Please also cite the FOIA reference number noted above. Your appeal should be addressed to:

Ryan Law, Deputy Assistant Secretary for Privacy, Transparency and Records
FOIA Appeal
FOIA and Transparency
Privacy, Transparency, and Records
Department of the Treasury
1500 Pennsylvania Ave., N.W.
Washington, D.C. 20220

If you would like to discuss this response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact Paul Levitan, the FOIA Public Liaison, for assistance via email at FOIAPL@treasury.gov, or via phone at (202) 622-8098.

A FOIA Public Liaison is a supervisory official to whom FOIA requesters can raise questions or concerns about the agency's FOIA process. FOIA Public Liaisons can explain agency records, suggest agency offices that may have responsive records, provide an estimated date of completion, and discuss how to reformulate and/or reduce the scope of requests in order to minimize fees and expedite processing time.

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may contact the agency directly at the following address, emails, fax or telephone numbers:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road – OGIS
College Park, MD 20740-6001
Email: ogis@nara.gov
Telephone: 202-741-5770
Toll free: 1-877-684-6448
Fax: 202-741-5769

Please note that contacting any agency official (including the FOIA analyst, FOIA Requester Service Center, FOIA Public Liaison) and/or OGIS is not an alternative to filing an appeal and does not stop the 90- day appeal clock.

Your request has been administratively closed. You may reach me via telephone at 202-622-0930, extension 2; or via email at FOIA@treasury.gov. Please reference the FOIA number at the top of this letter when contacting our office about this request.

Sincerely,

Cawana Pearson

Cawana Pearson
FOIA Case Manager, FOIA and Transparency
Privacy, Transparency, and Records (PTR)